

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

OCTOBER 19, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code section 54956.9(b)(1) (1 case)

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item No. 1; City Council gave direction and no reportable action was taken.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular and Special Meeting to order at 6:01 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

CITY MANAGER BROWN announced Item No. 2.3 - Resolution No. 2011-7099 Extending the collection of vehicle registration fees for Abandoned Vehicle Abatement Program will be pulled from the agenda and brought forward for City Council's consideration at a future meeting.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER BRAGG reported on her attendance at the MTS Board meeting stating that on-time performance will be improved by providing lanyards to San Diego seniors for displaying their passes and she encouraged MTS to conduct similar outreach to Southbay seniors.

MAYOR JANNEY thanked Councilmember Bragg for attending the MTS Board meeting and SANDAG Board meeting on his behalf; he announced the SANDAG Board will review the Regional Transportation Plan for 2050 on October 28th.

COUNCILMEMBER KING spoke about attending the Dempsey Holder Ocean Festival and Surf Contest.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.3)

MOTION BY BILBRAY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NO. 2.1. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 79177 through 79252 with a total amount of \$1,909,766.42.

2.2 NO ITEM.

2.3 RESOLUTION NO. 2011-7099 EXTENDING THE COLLECTION OF VEHICLE REGISTRATION FEES FOR ABANDONED VEHICLE ABATEMENT PROGRAM. (0470-32)

Item pulled from the agenda by prior City Council action.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 JEFF NEW, (PROPERTY OWNER/APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 100017), TENTATIVE PARCEL MAP (TPM 100018) AND VARIANCE (VAR 110007) FOR A ONE-LOT TENTATIVE PARCEL MAP TO CONVERT TWO EXISTING RESIDENTIAL UNITS INTO CONDOMINIUMS AND TO ALLOW A PORTION OF THE EXISTING BUILDING TO ENCROACH 1.7 FEET INTO THE REQUIRED REAR YARD SETBACK AT 253, 255 ELM AVENUE (APN 625-361-07-00), IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. MF 1037. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a Power Point presentation on the item; he reported that in the process of reviewing the Tentative Parcel Map to convert the units into condominiums, it was discovered that the setbacks were not maintained; he further stated that the Municipal Code allows for an administrative adjustment to the side yards since they are within 10% of the required setbacks; and the building encroaches 1.7 feet into the required rear yard setback, exceeding the 10% allowance.

CITY CLERK HALD announced no speaker slips were submitted.

JEFF NEW, Applicant, stated that the building passed inspection and the situation did not come to surface until there was an application for the condominium conversion.

COUNCILMEMBER SPRIGGS commented that the building did not meet three of the setback requirements and questioned if there is a provision that allows for a sanction or penalty when an owner goes beyond the setback provisions.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that there are two approaches: code enforcement which will require the owner to comply with the codes and setbacks or approval of the variance; he noted that there is no code provision for a mid-range approach; and he recommended approval of the variance since staff was involved in the approval and there is only a minor encroachment into a rear yard setback that is adjacent to an alley.

COUNCILMEMBER KING expressed disappointment that there was a failure of the builder and the City to catch required setbacks; he also stated that it would be onerous on the property owner to remove a portion of the building and to rebuild; and he spoke in support for staff's recommendation.

MOTION BY KING TO ADOPT RESOLUTION NO. 2011-7100, APPROVING ACP100017, TPM 100018 AND VAR 110007 WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS.

MAYOR PRO TEM BILBRAY expressed disappointment that the Building Inspector did not catch the error and supported staff's recommendation.

COUNCILMEMBER SPRIGGS stated that the City needs to have other remedies to deal with these types of situations.

COUNCILMEMBER BRAGG noted that the variance is only for 1.7 feet and seconded the motion.

MAYOR JANNEY closed the public hearing.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7100, APPROVING ACP100017, TPM 100018 AND VAR 110007 WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: SPRIGGS

REPORTS (6.1-6.5)

6.1A-D OVERVIEW OF PACKAGE OF FOUR PARAMEDIC SERVICES AGREEMENTS. (0250-20)

The following was submitted as last minute agenda information:

- a. Attachment A – Correction
- b. Continued Attachment A – Insertion of a ranking order

CITY MANAGER gave an overview on the items.

PUBLIC SAFETY DIRECTOR CLARK gave a report on items 6.1 A-D and announced the following were available to respond to questions: Chief Scott Walker from Bonita/Sunnyside, Mike Murphy from AMR, and Rod Ballard from the Regional Cooperative Care Program (RCCP). He explained why the cost increases are necessary and he noted that the cost for the RCCP will be paid for by the end user and not by the City's General Fund.

MIKE MURPHY, Contract Manager with AMR, explained the billing process and noted that for every \$1 charged, only a small percentage is collected; Imperial Beach has a 15.7% marginal collection rate.

COUNCILMEMBER SPRIGGS expressed concern about increased costs to end users.

PUBLIC SAFETY DIRECTOR CLARK responded that the costs are increasing 23% because of the addition of the RCCP that the City did not have previously; the RCCP will provide the City with clinical quality control, take care of medics if there is an exposure, and give the City a consistent and high quality program with a medical director who oversees paramedic training.

COUNCILMEMBER KING stated that improved service to the community is a step forward; he was encouraged to see that some of the costs to the City will be removed by the RCCP and that some personnel costs will be covered by the RCCP.

In response to Mayor Janney's concern about the governance and costs of the RCCP, PUBLIC SAFETY DIRECTOR CLARK stated that the RCCP is governed by the 8 Fire Chiefs; the budget is audited and managed by a program manager and the budget is approved by the Fire Chiefs on an annual basis. He also reviewed the process for terminating the agreement with the RCCP.

CHIEF WALKER explained the importance of the RCCP and the costs associated with the program.

6.1A RESOLUTION NO. 2011-7102 AUTHORIZING THE CITY MANAGER TO EXECUTE A REVISED AND RESTATED AGREEMENT WITH AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. FOR BASIC AND ADVANCED LIFE SUPPORT TRANSPORT SERVICE WITHIN THE EXCLUSIVE OPERATION AREA (EOA) THAT SERVES THE CITY OF CHULA VISTA, IMPERIAL BEACH, AND BONITA/SUNNYSIDE FIRE PROTECTION DISTRICT. (0250-20)

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7102 APPROVING A REVISED AND RESTATED AGREEMENT FOR BASIC AND ADVANCED LIFE SUPPORT SERVICE WITH AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. MOTION CARRIED UNANIMOUSLY.

6.1B RESOLUTION NO. 2011-7103 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ENTITLED "PRE-HOSPITAL EMERGENCY MEDICAL FIRST RESPONDER ADVANCED LIFE SUPPORT (ALS) SERVICES AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND AMERICAN MEDICAL RESPONSE, INC." (SIDE LETTER). (0250-20)

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7103 APPROVING THE PRE-HOSPITAL EMERGENCY MEDICAL FIRST RESPONDER ADVANCE LIFE SUPPORT (ALS) SERVICES AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND AMERICAN MEDICAL RESPONSE, INC. MOTION CARRIED UNANIMOUSLY.

6.1C RESOLUTION NO. 2011-7104 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE INCLUSION OF THE CITY OF IMPERIAL BEACH INTO THE REGIONAL COOPERATIVE CARE PROGRAM (RCCP). (0250-20)

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7104 APPROVING THE INTERIM AGREEMENT FOR THE INCLUSION OF THE CITY OF IMPERIAL BEACH INTO THE REGIONAL COOPERATIVE CARE PROGRAM (RCCP). MOTION CARRIED UNANIMOUSLY.

6.1D RESOLUTION 2011-7101 AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE FOR THE FIRE STATION LOCATED AT 865 IMPERIAL BEACH BOULEVARD. (0250-20)

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION 2011-7101 APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE (AMR) FOR THE FIRE STATION LOCATED AT 865 IMPERIAL BEACH BOULEVARD. MOTION CARRIED UNANIMOUSLY.

6.2 RESOLUTION NO. 2011-7107 AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH KEENAN & ASSOCIATES FOR EMPLOYEE BENEFITS BROKER OF RECORD. (0520-60)

CITY MANAGER introduced the item.

INTERIM ASSISTANT CITY MANAGER CLARK corrected a statement that appeared in the newspapers today stating that the City will not pay for the services of Keenan & Associates; they will receive compensation from commissions paid by insurance companies; he reported that an insurance committee consisting of City Management and representatives from Fire and SEIU labor groups will be created; and having the expertise of Keenan & Associates will be helpful during the insurance reform that will take place in 2014.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7107 AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH KEENAN & ASSOCIATES FOR EMPLOYEE BENEFITS BROKER OF RECORD. MOTION CARRIED UNANIMOUSLY.

6.3 RESOLUTION NO. 2011-7108 AUTHORIZING APPROVAL OF AMENDMENT NO. 2 TO MEMORANDUM OF UNDERSTANDING NO. 5001253 BETWEEN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND THE CITY OF IMPERIAL BEACH REGARDING THE CONTRIBUTION OF ADDITIONAL FUNDING TOWARDS THE REGIONAL BEACH SAND PROJECT II. (0220-70)

CITY MANAGER introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item; he noted a correction to the third recital on page 2 of the MOU adding the amount of money provided by the Department of Boating and Waterways is \$4.2 million and the Port District is \$1 million; he explained that the dredge mobilization costs are high as it is a specialized industry and most dredges are located on the east coast.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7108 AUTHORIZING APPROVAL OF AMENDMENT NO. 2 TO MEMORANDUM OF UNDERSTANDING NO. 5001253 BETWEEN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND THE CITY OF IMPERIAL BEACH REGARDING THE CONTRIBUTION OF ADDITIONAL FUNDING TOWARDS THE REGIONAL BEACH SAND PROJECT II. MOTION CARRIED UNANIMOUSLY.

6.4 RESOLUTION NO. 2011-7105 AUTHORIZING THE INSTALLATION OF UP TO TEN (10) NEW SEWER MAIN DEAD END MANHOLES TO STREET IMPROVEMENT RDA PHASE 4/5 (CIP S11-105) AND APPROPRIATING SEWER ENTERPRISE RESERVE FUNDS TO STREET IMPROVEMENT RDA PHASE 4/5 (CIP S11-105) (0830-10)

CITY MANAGER introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN explained the need for manholes and the advantage of doing the manhole installation coincident with the street improvement project.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7105 AUTHORIZING THE INSTALLATION OF UP TO TEN (10) NEW SEWER MAIN DEAD END MANHOLES TO STREET IMPROVEMENT RDA PHASE 4/5 (CIP S11-105) AND APPROPRIATING SEWER ENTERPRISE RESERVE FUNDS TO STREET IMPROVEMENT RDA PHASE 4/5 (CIP S11-105) MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NO. 2011-7106 APPROVING APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) (0390-86 & 0680-20)

CITY MANAGER introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the application process.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7106 APPROVING APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84). MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:40 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk